

## REMARKS

Claims 16 and 25 have been amended. Claims 16-30 are pending and under consideration.

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

### I. **Rejection under 35 U.S.C. § 102**

In the Office Action, at pages 2-6, claims 16-30 were rejected under 35 USC § 102(e) as being anticipated by Witzel (U.S. Patent Application Pub. No. 20007/0171841).

Witzel does not discuss or suggest:

if the at least one subset of the at least one codec mode configuration is supported by the radio network controller, establishing a transcoder-free operation connection to the switching unit and a communication terminal and restricting a codec mode configuration to be used for transmission of data to the subset,

as recited in amended claim 16.

The invention of claim 16 is provided for reducing the need of transcoding in a communication session between two terminals. This is due to the fact that not all network terminals in a network will always support the same codec mode and, more importantly, the same codec mode configurations (a codec mode configuration being a set of codec modes based on which the two terminals can communicate). Therefore, the two terminals involved must agree on a codec mode configuration. This agreed on codec mode configuration provides a set of codecs on which the two terminals can potentially communicate. During a communication session, the two terminals will then effectively agree on a codec mode for communication. Depending on outside circumstances (for example, too much bandwidth being consumed on an air interface), the two terminals might change the codec mode for communication. However, this change can only occur within the set of codec modes that were previously agreed upon (the agreed upon codec mode configuration). Thus, when a common codec mode configuration is available to both of the terminals, transcoder-free operation (TFO) is possible. Of course, if the two terminals do not have a common codec mode configuration that is supported by both of them, each of the terminals will choose a different codec mode configuration, making TFO impossible.

As a non-limiting example, claim 16 provides a method as described in paragraph [0011] of the specification. The method provides for requesting, by a switching unit, codecs (for example a/b). Further, the method provides for checking, by a radio network controller (RNC), whether the requested codecs a/b form a subset of a supported configuration (for example, a/b/c) and, if the subset is supported by the RNC, establishing a transcoder-free operation connection to the switching unit and a communication terminal. The RNC then signals to the switching unit that it is alright to go ahead with codecs a/b. However, to the terminal, via the air interface, the RNC can only signal a certain configuration a/b/c. This leads to a mismatch because the terminal is now allowed to use codec c, but the switching unit does not support codec c. Therefore, the method of claim 16 performs an additional step of restricting the codec mode configuration to the subset by signaling from the RNC to the terminal.

These features of claim 16 are not discussed or suggested by the disclosure in Witzel, so that claim 16 patentably distinguishes over Witzel. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

Claims 17-24 depend either directly or indirectly from claim 16, and include all the features of claim 16, plus additional features that are not discussed or suggested by the reference relied upon. Therefore, claims 17-24 patentably distinguish over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 102(e) rejections is respectfully requested.

Witzel does not discuss or suggest:

at least one processing unit checking a request sent from the switching unit relating to use of a subset of a codec mode configuration for establishment of a transcoder-free operation connection to determine whether the requested subset is supported by the radio network controller, establishing a transcoder-free operation connection to the switching unit if the subset of the codec mode configuration is supported by said radio network controller, restricting a codec mode configuration to be used for transmission of data to the subset, and signaling a message relating to the subset of the codec mode configuration to be used for the transmission of data via said send unit to a communication terminal included among the mobile network units,

as recited in amended claim 25, so that claim 25 patentably distinguishes over Witzel. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

Claims 26-30 depend either directly or indirectly from claim 25, and include all the features of claim 25, plus additional features that are not discussed or suggested by the reference relied upon. Therefore, claims 26-30 patentably distinguish over the reference relied

upon for at least the reasons noted above. Accordingly, withdrawal of these § 102(e) rejections is respectfully requested.

## CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

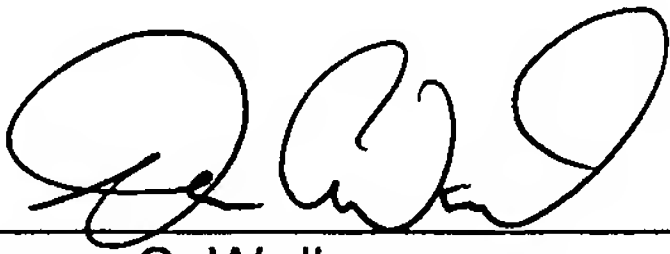
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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